

CITY OF HOLLISTER - AGENDA

for **City Council Meeting**

of **May 15, 2006** at **6:30 p.m.** in the City Council Chambers, City Hall, 375 Fifth Street, Hollister

NOTICE TO PUBLIC

Persons who wish to address the City Council must complete a Speakers Card and give it to the Clerk prior to addressing the City Council. Those who wish to address the City Council on an agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the agenda will be heard under the Public Input section, Section B, of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the public portion of the meeting will be closed and the matter brought to the City Council for discussion and action.

Requests to make presentations to the City Council should be submitted to the City Clerk's Office at least ten days preceding the City Council meeting. It is customary for the staff members to review such matters prior to formal presentation in order that the City Council may have the benefit of all available data.

All matters listed under Consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

**** 6:00 p.m. - Closed Session -- See Attached Agenda.**

Call to Order

Pledge of Allegiance

Roll Call: Mayor Robert Scattini, City Council Members Doug Emerson, Pauline Valdivia, Brad Pike, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

Verification of Agenda Posting

Proclamation: May 19-20, 2006 - Buddy Poppy Days in the City of Hollister

Presentation: Hollister Police Department - 2006 Partners in Educational Excellence Award

6:00 p.m. - CLOSED SESSION AGENDA:

A. Public comment (limited to any item listed on Closed Session agenda).

B. A Closed Session will be held by the City Council of the City of Hollister to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) –
 - a. RWQCB – Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number HO29296
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union, Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential.

6:30 p.m. - AGENDA

A. CONSENT RESOLUTION (May 15, 2006):

All items listed under consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a Staff member, or a Citizen.

Consent Items are Numbers A1, A2, A3, A4, A5, A6, and A7.

- A1. Minutes of the Special City Council Meetings of April 24, 2006 and April 30, 2006, and the Regular Meeting of May 1, 2006.

Approve Minutes of the Special City Council Meetings of April 24, 2006 and of April 30, 2006, and the Regular Meeting of May 1, 2006, as submitted.

- A2. Warrant Register(s).

The City Council will ratify and approve the following Warrant Register(s) for the

General-Special-Enterprise-Assessment Funds dated:

- April 27, 2006, in the amount of \$ 236,599.63.

- A3. Resolution No. 2006-56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING DECLARING THE OFFICIAL INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF INDEBTEDNESS.

This Resolution authorizes reimbursement for certain capital expenditures from the proceeds of future bonded indebtedness for the Long-Term Wastewater Project.

- A4. Resolution No. 2006-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE EXECUTION OF THE COMMUNITY RECREATION AGREEMENT WITH SAN BENITO HIGH SCHOOL DISTRICT FOR USE OF SAN BENITO HIGH SCHOOL AQUATICS FACILITY.

This resolution will authorize the execution of an agreement with San Benito High School for use of the Aquatics Facility.

- A5. ABC License Review – Alicats Winery.

The City Council should acknowledge receipt of the ABC license review for Alicats Winery at 10 Nash Road, and order it filed.

- A6. Resolution No. 2006-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURE FOR THE ANNUAL SANTA CLARA VALLEY PEACE OFFICERS MEMORIAL RUN.

This Resolution authorizes temporary street closure for the annual Peace Officers Memorial Run to be held May 20, 2006.

- A7. Resolution No. 2006-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE PURCHASE OF TWO GENERATORS FROM FEDERAL HOMELAND SECURITY FUNDS FOR THE PURPOSE OF PROVIDING BACK UP EMERGENCY POWER TO CITY HALL AND THE CITY SERVICE CENTER.

This Resolution authorizes the purchase of two generators from Quinn Power Systems funded by Federal Homeland Security Funds from the County of San Benito Office of Emergency Services.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. PUBLIC INPUT.

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the council. When the City Clerk calls your name, please come to the podium, state your name and address for the record, and speak to the Council. Each speaker will be limited to two (2) minutes. Please note that state law prohibits the council from discussing or taking action on any item not on the agenda.

2. Update on Preparation for Mosquito Season.

The West Nile Virus (WNV) Task Force will provide an update on mosquito control activities.

C. PUBLIC HEARINGS (On or After 6:30 p.m.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Read by Title Only and Adopt Ordinance No. 1002, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE SECTION 8.12.050 RELATING TO THE PLACEMENT OF RUBBISH CONTAINERS FOR COLLECTION.

This Ordinance amends Municipal Code Section 8.12.050 relating to the placement of rubbish containers for collection.

2. Read by Title Only and Introduce Ordinance No. 1003, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE SECTION 8.32.030 TO DEFINE BOARDING HOUSES, AND SECTION 8.32.060 A.(6) RELATING TO THE CONSTRUCTION OF BUILDINGS WITHOUT THE REQUIRED PERMITS.

This Ordinance adds "Boarding Houses" to Municipal Code Section 8.32.030 ("Definitions"), and amends Section 8.32.060 A (6) to clarify that buildings constructed without the required permits constitute a nuisance.

3. Resolution No. 2006-60, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING A WATER SERVICE CONNECTION FOR 610 SANTA ANA ROAD, A.P.N. 19-21-09, AND APPROPRIATION OF FUND 304 FOR PAYMENT TO SAN BENITO COUNTY LAFCO FOR THE APPLICATION FEE.

This Resolution authorizes the connection of the 610 Santa Ana Road to the City of Hollister water system and payment to LAFCO for the application fee.

4. Resolution No. 2006-61, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES

MASTER CONTRACT WITH GEOMATRIX CONSULTANTS, INC.

This Resolution approves the Professional Services Master Contract with Geomatrix Consultants, Inc.

5. Read by Title Only and Introduce Ordinance No. 1004, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ADDING CHAPTER 5.38 TO THE MUNICIPAL CODE TO REQUIRE THE LICENSING OF TOBACCO RETAILERS.

This Ordinance regulates the sale of tobacco to minors by establishing a licensing requirement for tobacco retailers.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council Committees.

Receive oral reports from members regarding the activities of various Ad hoc and Standing City Council Committees.

2. Reports from City Council, City Manager, City Attorney, and Staff.

Receive oral reports from the City Council, City Manager Quilter, City Attorney Cass, City Clerk Johnson, and other Staff as applicable.

3. Water and Wastewater Issues.

The City Council will receive an oral report from City Manager Quilter.

4. Hollister Municipal Airport status report.

The City Council will receive a status report on the Hollister Municipal Airport from Airport Manager Gere.

5. March 2006 Financial Activity Report.

The City Council will receive the March 2006 Financial Activity Report for Budget Review from Director of Administrative Services Galvan.

F. UNFINISHED BUSINESS:

1. Resolution No. 2006-62, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER COMMITTING \$6 MILLION OF UN-PROGRAMMED TRAFFIC IMPACT FEES FOR THE HIGHWAY 25 BYPASS AND RE-PROGRAMMING \$5 MILLION OF TRAFFIC IMPACT FEES FROM THE NORTH STREET PROJECT TO HIGHWAY 25 BYPASS PROJECT.

This Resolution will commit Traffic Impact Fees to the Highway 25 Bypass Project.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

Next Regular City Council Meeting is scheduled for June 5, 2006, at 6:30 p.m.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (831) 636-4304. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].